



December 6, 2023

Via ECF

The Honorable Judge Dale E. Ho  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Stines v. Alvaro Sanchez, as PR of the Estate of the Estate of Joseph Bernal, et al.*  
1:21-cv-07884-DEH  
Joint Status Update Letter

Dear Hon. Judge Ho –

Plaintiff's counsel conferred with all parties via email, and all have approved this letter. Pursuant to the October 12, 2023 Order [Dkt. 102], the parties provide the following information:

1. Contact information:

All counsel currently reflected on the docket is up to date.

2. A brief statement of the nature of the case and/or the principal defenses thereto.

Kimberly Stines brings her complaint pursuant to the New York Child Victims Act. She was groomed and sexually abused as a minor by her swim coach Joseph Bernal (now deceased, since the filing of this matter). She sues Bernal's Estate (via Alvaro Sanchez, as the personal representative) for assault, battery, false imprisonment and intentional infliction of emotional distress for acts that Joseph Bernal committed while he was her swim coach. Ms. Stines sues for negligence against the AAU, Fordham University, Baystate Gator Swim Club, LLC and Bernal's Gator Swim Club of New England, as this abuse occurred under the auspices of those defendants.

3. A brief statement of why jurisdiction and venue lie in this Court.

Ms. Stines brought her complaint in Bronx County, NY and Fordham University sought removal to federal court pursuant to diversity jurisdiction. Ms. Stines resides in Illinois and is seeking more than \$75,000.

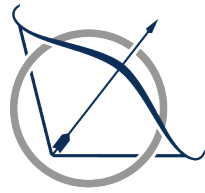
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ATTORNEYS AT LAW

Both the AAU and Fordham's place of businesses are located in New York; Alvaro Sanchez as the Personal Representative of the Estate of Joseph Bernal is located in Florida, and Baystate Gator Swim Club, LLC and Bernal's Gator Swim Club of New England, places of business are located in Massachusetts.

4. A statement of all existing deadlines, due dates, and/or cut-off dates

The Court re-set the discovery deadline in this matter on November 16, 2023 [Dkt. 104].

The new discovery deadline date is April 30, 2024

A status letter is due on May 8, 2024

A status conference has been set for May 15, 2024 at 11:00am

In this request to extend deadlines [Dkt. 103], Counsel requested that the Dispositive Motion Deadline be scheduled for 5/31/2024 and that by 5/31/2024 the parties will indicate to the Court if a settlement conference would be useful and/or a bench trial is preferred.

5. A statement of any previously-scheduled conference dates with the Court that have not yet occurred and the matters that were to be discussed

None at this time.

6. A brief description of any outstanding motions, including the date of the motion and the nature of the relief sought

None at this time.

7. A statement and description of any pending appeals

None at this time.

8. A detailed statement of all discovery undertaken to date, including how many depositions each party has taken and what, if any, discovery remains that is essential for the parties to engage in meaningful settlement negotiations

- Plaintiff propounded Interrogatories and Requests for Production of Documents to Defendants Baystate Gator Swim Club, LLC and Bernal's Gator Swim Club of New England, Inc. on July 17, 2023;

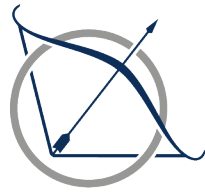
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- Plaintiff propounded Interrogatories and Requests for Production of Documents to Defendant Amateur Athletic Union of the United States (a/k/a AAU USA) on July 17, 2023
- Plaintiff propounded Interrogatories and Requests for Production of Documents to Defendant Alvaro Sanchez on July 25, 2023
- Defendant Fordham University propounded Interrogatories and Requests for Production of Documents to Plaintiff on August 11, 2023;
- Defendants Baystate Gator Swim Club, LLC and Bernal's Gator Swim Club of New England, Inc. propounded Interrogatories and Requests for Production of Documents to Plaintiff on August 23, 2023;
- On August 11, 2023, Plaintiff served notice of intention to take depositions pursuant to Rule 30(b)(6) of Defendant Fordham University and Defendant Amateur Athletic Union of the United States (a/k/a AAU USA);
- On September 6, 2023, Defendants Baystate Gator Swim Club, LLC and Bernal's Gator Swim Club of New England, Inc. answered the discovery requests of Plaintiff and provided 858 documents
- On September 8, 2023, Plaintiff propounded Interrogatories and Requests for Production of Documents to Fordham University;
- On October 18, 2023, Plaintiff answered the discovery requests of Fordham University and provided documents as well as medical and work authorizations to obtain Plaintiff's records;
- On October 20, 2023, Plaintiff answered the discovery requests of Defendants Baystate Gator Swim Club, LLC and Bernal's Gator Swim Club of New England, Inc. and provided documents.
- Non-party subpoenas have been issued by Plaintiff to the following entities: Harvard University, Michelle Sweeney, SafeSport, USA Swimming, the United States Olympic & Paralympic Committee, and Bobby Hackett.
- Plaintiff has also provided the Defendants with medical and work authorizations to obtain Plaintiff's records, but those entities have yet to respond to requests.

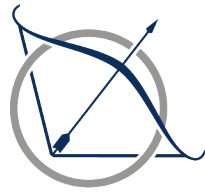
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- The non-party deposition of Michelle Sweeney occurred on November 29, 2023 and will be continued at a later date.
- The Plaintiff has inquired about the status of the discovery responses from AAU and Fordham. Fordham has stated that it will respond next week and the AAU hopes to have responses within the next 2 weeks.
- The Plaintiff's deposition has been scheduled for January 5, 2024.
- The Plaintiff has identified two additional non-party witnesses to depose and will work with counsel to schedule those

9. A brief description of the status of prior settlement discussions, without disclosing exact offers and demands

Settlement discussions have not occurred at this time

10. A statement of whether the parties have discussed the use of alternate dispute resolution mechanisms and indicating whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) retention of a privately retained mediator would be appropriate and, if so, when in the case (e.g., within the next 60 days, after the deposition of plaintiff is completed, after the close of fact discovery, etc.) the use of such a mechanism would be appropriate;

The Parties have requested a deadline of 5/31/2024 to indicate to the Court if a settlement conference would be useful.

11. An estimate of the length of trial

The parties estimate that this case will be a 5-day jury trial

12. Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive or novel issue raised by the case

None at this time.

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Sincerely,

s/ Jonathan Little

Jonathan Little

Annemarie Alonso

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*Attorney for Plaintiff Kimberly Stines*

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